

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**A.G., a minor child; D.A., a minor child; )  
A.L., a minor child; M.K., a minor child; )  
and M.H., a minor child; )**

**PLAINTIFFS, )**

**VS. )**

**AUTAUGA COUNTY BOARD OF )  
EDUCATION, et al., )**

**DEFENDANTS. )**

**CASE NO: 2:05-CV-1090-MEF**

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**B.H., a minor child, by and through his )  
mother and next of friend, D.S., )**

**PLAINTIFFS, )**

**VS. )**

**AUTAUGA COUNTY BOARD OF )  
EDUCATION, et al., )**

**DEFENDANTS. )**

**CASE NO: 2:06-CV-0393-MEF**

**DEFENDANT'S SECOND MOTION IN LIMINE**

COMES NOW Defendant Autauga County Board of Education and moves this Honorable Court for an order in limine prohibiting any testimony, reference, or statement from any student or parent of a student who was present at Prattville Intermediate School on October 20, 2004 or anyone else with information about the incident at the intermediate school who did not speak with Mr. Butler. As grounds therefore, the defendant says:

1. This Court held in its May 11, 2007 Memorandum Opinion and Order that the

only remaining issue in these cases is whether Defendant Joseph L. Butler was deliberately indifferent in regard to the October 20<sup>th</sup> incident at Prattville Intermediate School such that the Autauga County Board of Education can be held liable under Title IX.

2. This specific issue, thus, turns on the information provided to Mr. Butler by Angel Garrett and Dene Cleveland or anyone else. (The discovery does not indicate that anyone else provided information to Mr. Butler.)

3. None of the parents of intermediate school students or students themselves spoke with Mr. Butler regarding the students' feeling uncomfortable around Colonel Wright on October 20, 2004. The Prattville Police Department did not advise Mr. Butler of its investigation or its findings in regard to the intermediate school. The City of Prattville prosecutor did not contact Mr. Butler either.

4. Therefore, none of these individuals can provide any relevant information regarding Mr. Butler's knowledge of the incident at Prattville Intermediate School or his response.

WHEREFORE, Defendant Autauga County Board of Education moves for an order in limine prohibiting any such testimony, references or statements.

Respectfully submitted,

s/Katherine C. Hortberg

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**CERTIFICATE OF SERVICE**

I hereby certify that I have on this **18<sup>th</sup>** day of **May, 2007**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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